

### **REMARKS**

Prior to this Amendment and Response, claims 1-48 and 58-60 were pending in the Application. Herein, claims 1, 4, 9, 12, 17, 20, 25, 28, 33, 36, 41, and 44 were amended; claim 61 was added; and no claims were cancelled. Therefore, upon entry of the Amendment, claims 1-48 and 58-61 will remain pending in the Application. Entry of this Amendment, reconsideration, and allowance of the pending claims is respectfully requested.

### **Preliminary Amendment**

Initially, Applicant notes that the Office Action purports to respond to correspondence filed 9 June 2004. Applicant filed a Preliminary Amendment in the instant Application, which a return postcard indicates was received in the Patent Office on that date. It is not clear, however, whether the Examiner took into account the further amendments made to the claims in the Preliminary Amendment. The three claims added there, 58-60, were not addressed. Clarification is requested.

### **Claim Rejections – 35 U.S.C. §103**

In paragraphs 1 and 2 of the Office Action, the Examiner rejected claims 1-48 under 35 U.S.C. §103(a) as unpatentable over *Tracton* (U.S. Patent No. 6,470,378) in view of *del Val* (U.S. Patent No. 6,128,653), *Hinderks* (U.S. Patent No. 6,049,551), and *Shen* (U.S. Patent No. 6,434,748).

In response, in order to expedite allowance of the present Application, Applicant has amended the independent claims 1, 9, 17, 25, 33, and 41 to include the limitation that the first display control command includes a request to alter the bit rate of the data stream transmission over the wireless interface, a limitation clearly not found in the cited prior art. Various dependent claims have been amended to be consistent with the amended independent claims.

Independent claim 58, not addressed in the Office Action has also been amended, although new limitation of requesting a bit rate alteration is instead recited in new claim 61. Although claim 58 was not rejected in the Office Action, Applicant respectfully suggests that the


cited prior art, taken individually or in combination, does not teach or suggest the motion video server recited there.

With regard to the Examiner's comments, Applicant respectfully asserts that it would not have been obvious to modify *Tracton* to reach the present invention as presently claimed. *Tracton* discloses using a server having available a plurality of content sources (*see* Figure 4) that each contain different "scaled" versions of the basic content (*see* col. 4, lines 33-49). When a client first contacts the server, it in some way (presumably transparent to the actual user) assesses the client's capabilities and chooses which "scaled" version to transmit (*see* col. 5, lines 30-65). This is done automatically (*Abstract*), meaning that whatever control commands are entered by the user they have no control over the disclosed process (other than simply and unknowingly initiating it). It is for this reason that Applicant respectfully suggests that there is no motivation to combine the references, even if they were in the same field, because they address different problems using different techniques.

In light of the foregoing, the pending claims are believed to be in condition for allowance. Accordingly, examination and allowance of pending claims 1-48 and 58-61 is respectfully requested.

Respectfully submitted,

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